

Plaintiffs,

V.

Defendant.

CAUSE NO.: 45C01-2010-CT-001067

COMES NOW, the Plaintiffs, Jeff Holcomb and Nicole DeNormandie, by Counsel, Duke T. Escue, of Walter J. Alvarez, P.C., and for their cause of action against the Defendant, Menard, Inc., now state as follows:

1. This is a civil action for injuries and damages that the Plaintiffs, Jeff Holcomb and Nicole DeNormandie, sustained on or about November 9, 2018, at or near the Menards store located at or near 1300 U.S. Highway 41, in Schererville, Lake County, Indiana.

2. At said date and time, the Plaintiffs were lawfully on the premises of the Defendant as invitees and with the permission of, and for the benefit of, the Defendant.

3. That while shopping at the Menards store in question, the Plaintiffs were injured when a number of counter tops that were not stacked, and/or not secured properly, or the like, fell onto the Plaintiffs.

4. That the Defendant had a duty to the Plaintiffs to maintain the premises in a reasonably safe condition, and that the Defendant was negligent regarding same.

5. That the Defendant's negligence included, but is not limited to, all of the following:

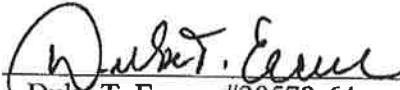
- a. Failure to exercise reasonable care to discover a dangerous condition which provided an unreasonable risk of harm to Plaintiffs;
- b. Failing to operate the establishment in a reasonably careful and prudent matter;
- c. Failure to exercise reasonable care to protect business invitees against danger, when the Defendant knew, or should have known that its invitees would not realize the danger or would fail to protect themselves against the danger;
- d. Failing to follow recommendations that would prevent this aforementioned hazard;
- e. Failing to use the requisite degree of care that a reasonably prudent person would have used under the same or similar conditions; and
- f. Failure to exercise reasonable and prudent care for the safety of their business invitees.
- g. Failure to comply with the doctrine of spoliation of evidence, pursuant to Indiana Law, to maintain and preserve evidence.

6. That a direct and proximate result of the negligence of the Defendant, the Plaintiffs, incurred property damage and suffered injuries, some of which are permanent, incurred medical expenses for care, testing and treatment, suffered loss of wages and earning ability, and an inability to engage in their normal daily activities for an indefinite period of time.

WHEREFORE, the Plaintiffs, by Counsel, demand judgment against the Defendant, Menard, Inc., and pray as follows:

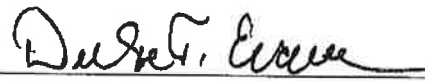
1. For reasonable compensatory damages;
2. For pre-judgment interest and post judgment interest;
3. For the costs of this action; and
4. For all other necessary and proper relief.

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Attorneys for Plaintiffs

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PLAINTIFFS DEMAND TRIAL BY JURY.

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